TINA MOORE, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:14CV1443 SNLJ
	)	
	)	
FERGUSON POLICE DEPT., et al.,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

This matter is before the Court on the defendants' motion to dismiss or consolidate (#5) with Case No. 4:14cv1447, which is also pending in this Court. The matters involve the death of decedent Jason Moore during an altercation with members of the Ferguson Police Department in Ferguson, Missouri.

This case, No. 4:14cv1443, alleges constitutional violations and wrongful death under § 537.080 RSMo by the decedent's wife and estate. The later-filed matter, No. 4:14cv1447, also alleges constitutional violations and wrongful death under § 537.080 RSMo, but plaintiffs are the decedent's mother and minor child. The two cases name overlapping defendants, but No. 1447 names two police officers not named in No. 1443, and No. 1443 names certain Ferguson officials as defendants.

The Missouri wrongful death statute provides that "only one action may be brought under this section against any one defendant for the death of any one person." § 527.080 RSMo. Rule 42 of the Federal Rules of Civil Procedure provides for consolidation of cases involving a common question of law or fact. *See E.E.O.C. v. HBE Corp.*, 135 F.3d 543, 550 (8th Cir. 1998). The plaintiffs here have consented to
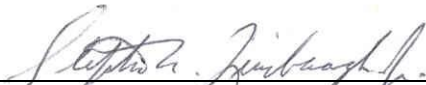
consolidation of the cases. However, plaintiffs in No. 1447 have also moved to intervene in this litigation. Consolidating the cases would bring all the involved parties before the Court.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to dismiss case or in the alternative, motion to consolidate (#5), is granted. Pursuant to Local Rule 42 - 4.03, the later cause of action, 4:14CV1447, is consolidated with the earlier cause of action, 4:14CV1443.

IT IS FURTHER ORDERED that motion to intervene (#9) is denied as moot.

Dated this 12<u>th</u> day of February, 2015.

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STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE